

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed January 5, 2004 (Paper No. 3). Upon entry of this response, claims 1-53 are pending in the application. Claims 13, 26, 39, and 52 have been amended, and claim 53 has been added. Applicants assert that the amendments add no new subject matter to the present application. Applicants respectfully request that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1. Allowable Subject Matter

Applicants appreciate the Examiner's allowance of claims 1-12, 14-25, 27-38, and 40-51. Applicants also acknowledge the Examiner's indication in the Office Action that claims 13, 26, 39, and 52 would be allowable if amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. As detailed in the next section, Applicants have amended claims 13, 26, 39, and 52 to overcome these rejections. Accordingly, the Examiner is respectfully requested to place claims 13, 26, 39, and 52 in condition for allowance. Applicants wish to clarify that the amendments to claims 13, 26, 39, and 52 are made for purposes of overcoming rejections under 35 U.S.C. § 112, second paragraph, and not in response to any rejections made based on cited art.

2. Rejection of Claims 13, 26, 39, and 52 under 35 U.S.C. §112

Claims 13, 26, 39, and 52 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. In particular, the Office Action states that claims 13, 26, 39, and 52 have insufficient antecedent basis for "the first symbol index." Claims 13, 39, and

52 are amended to recite “the first symbol index *in the plurality of symbol indices.*” Applicants respectfully submit that a plurality has the inherent property that one element in the plurality must be “the first,” and therefore “the first symbol index” does not require antecedent basis linking to a previously-introduced “a first symbol index.” Claim 26 is amended to recite “one symbol index of the plurality of symbol indices” instead of the objected to “the first symbol index.”

The Office Action also states that claims 26, 39, and 52 have insufficient antecedent basis for “the cells.” Claims 13, 26, 39, and 52 are amended to change “the cells” to “a unit,” “the plurality of units,” “the units,” and “the fixed sized units,” respectively. Accordingly, Applicants believe these amendments overcome the rejection of claims 13, 26, 39, and 52, and request that the rejection be withdrawn.

3. Newly Added Claims


New claim 53 is based on subject matter that is explicit and/or inherent within the description of the specification and/or the drawings. Applicants submit that no new matter has been added in new claim 53 and that new claim 53 is allowable over the cited prior art. Therefore, Applicants request the Examiner to enter and allow the above new claim.

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 1-53 be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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